

REMARKS

Claims 16-18 have been amended. Support for the claims, as amended, can be found in Appendix A. No new matter is added.

Applicant presents a Request By Applicant For Interference Pursuant to 37 CFR §1.607, wherein Applicant respectfully requests that an interference be declared between the above-referenced application and the '571 patent issued to Teng. The information required by 37 CFR §1.607(a) is set forth under headings that correspond to the subsections of §1.607 to facilitate consideration by the Examiner.

Specific support for each element of the claims can be found in Appendix A, attached hereto. A copy of the '571 patent, which issued from U.S. Application Serial No. 09/656,052 filed September 6, 2000 ("the Teng '052 application"), is submitted herewith as Appendix C for the Examiner's convenience.

REQUEST FOR INTERFERENCE

I. IDENTIFICATION OF THE PATENT WHICH INCLUDES SUBJECT MATTER WHICH INTERFERES WITH THE '454 APPLICATION

The patent which claims subject matter which interferes with subject matter claimed in the present application ("the '454 application") is the '571 patent issued on November 19, 2002 to Gary Ganghui Teng for "On-press development of thermosensitive lithographic plates". The '571 patent was issued on U.S. Application Serial No. No. 09/656,052, filed September 6, 2000 ("the

Teng '052 application"), which does not claim benefit on its face to any other U.S. or foreign application. There is no assignee named on the face of the patent.

II. PRESENTATION OF A PROPOSED COUNT

Attached Appendix B sets forth the proposed Count. The proposed Count is an alternative Count prepared after consideration of the subject matter claimed by the respective parties. As required by 37 CFR §1.601(f), the proposed Count "defines the interfering subject matter between . . . one or more applications and one or more patents."

The Count is proposed in alternative form because of the slightly different language utilized by the respective parties to describe the same invention. The interfering subject matter between Maemoto and Teng relates to methods for lithographically printing images on a receiving medium. The proposed Count comprises Claim 1 of the '571 patent and Claim 16 of the present application set forth in the alternative.

III. IDENTIFICATION OF THE CLAIMS OF THE '571 PATENT WHICH CORRESPOND TO THE PROPOSED COUNT

Claims 1-41 of the '571 patent are believed to correspond to the proposed Count. Claims 1 and 26 are independent claims. Claim 1 of the '571 patent is directed to a method of lithographically printing images on a receiving medium. Claim 1 of the '571 patent is one alternative of the Count. Claim 26, the only other independent claim in the '571 patent, is also

directed to a method of lithographically printing images on a receiving medium. Claim 26 contains steps (a) - (c), similar to Claim 1 of the '571 patent. However, Claim 26 does not specify that the thermosensitive layer comprises a polymerizable monomer or oligomer, an initiator capable of initiating the polymerization of said monomer or oligomer and an infrared absorbing dye or pigment. As such, Claim 26 is anticipated by the Count which contains Claim 1 of the '571 patent as one alternative, and therefore also corresponds to the Count. Claims 2-25 and 27-41 depend ultimately from Claims 1 and 26, respectively, and contain no recitations which render them patentably distinct from such claims. Therefore, Claims 2-25 and 27-41 are also appropriately designated as corresponding to the Count.

**IV. CLAIMS OF THE '454 APPLICATION WHICH
CORRESPOND TO THE PROPOSED COUNT**

Claims 16-18 of the '454 application should be designated to correspond to the Count. Claims 1-15 were previously canceled without prejudice or disclaimer as to the subject matter contained therein, and Claim 16 was added in the Preliminary Amendment dated November 19, 2003. Claim 16 is essentially copied from Claim 1 of the '571 patent and is one alternative of the proposed Count.

While Claim 16 of the '454 application does not recite "...and exhibit an affinity or aversion substantially opposite to the affinity or aversion of said substrate to at least one printing liquid selected from the group consisting of ink and an adhesive fluid for ink," the foregoing is an

inherent property of lithography, as evidenced by at least the following documents, submitted herewith as Appendices D-F, respectively: (1) Photo-offset Fundamentals (John E. Cogoli); (2) PS Plate Practice (Yoshiaki Matsushima; see, e.g., page 8: "Since lithography makes use of an aversion between water and oil, it is premise that in a lithographic plate, hydrophilic substrate surface is provided under oleophilic image"); and (3) Glossary of Printing Useful at the Scene (The Japan Federation of Printing Industries; see, e.g., page 217: "Non-imaging area is made hydrophilic or oil-repellent, and an ink is selectively provided on only an oleophilic imaging area and then is transferred to a paper, etc.").

V. 35 U.S.C. § 135(b) IS SATISFIED

At least one claim was submitted in the above-referenced application in a Preliminary Amendment dated November 19, 2003, which claim is the same as, or for the same as, or substantially for the same subject matter as a claim of the '571 patent, and such claim (*e.g.*, Claim 16) was made prior to one year from the date on which the '571 patent was granted (*i.e.*, November 19, 2002). Thus, § 135(b) is satisfied.

VI. CONCLUSION


Applicant respectfully requests that an interference be declared employing the proposed Count set forth on attached Appendix B, with Claims 1-41 of the '571 patent and Claims 16-18 of

the present application designated as corresponding to the Count. Such action is respectfully requested.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

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